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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/600,081 | 06/20/2003 | Chris L. Stone | 093196-1026 | 6842 |

30542 7590 11/20/2008

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| EXAMINER | |
|---|---|
| DUFFIELD, JEREMY S | |
| ART UNIT | PAPER NUMBER |
| 2427 | |
| MAIL DATE | DELIVERY MODE |
| 11/20/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Advisory Action Before the Filing of an Appeal Brief | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/600,081 | STONE ET AL. | |
| | Examiner | Art Unit | |
| | JEREMY DUFFIELD | 2427 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 10 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments that the given references do not teach "a watermark can…in a database", Page 8, line 24-Page 9, line 2, the examiner respectfully disagrees. Alattar teaches not only using a watermark value as a calibration signal, but also teaches the watermark includes identifiers that relate the content to corresponding identifiers in a database that has additional information to identify the content owner and/or distributor (Alattar-Col. 10, lines 10-37; Col. 20,. lines 49-55). Alattar further teaches matching fingerprint information from the content to fingerprint information stored in a database. Brunk teaches using a watermark that can contain a content signature, i.e. fingerprint. The watermark can provide additional information and can be compared to the content signature to determine if the content is authentic (Col. 6, lines 39-67; Col. 9, lines 37-51). Brunk further teaches a watermark can be used to extract an encoded fingerprint so that it may be matched to a stored fingerprint to determine authenticity. Therefore, the combination of Alattar and Brunk teaches the aforementioned limitation.

In response to applicant's arguments that the given references do not teach "the redundant identification…watermarks and fingerprints", Page 9, lines 22-24, the examiner respectfully disagrees. Alattar teaches the watermark includes identifiers that relate the content to corresponding identifiers in a database that has additional information to identify the content owner and/or distributor (Alattar-Col. 10, lines 10-37; Col. 20,. lines 49-55). Alattar further teaches matching fingerprint information from the content to fingerprint information stored in a database. Both the watermark and the fingerprint identify the content. Brunk teaches using a watermark that can contain a content signature, i.e. fingerprint. The watermark can provide additional information and can be compared to the content signature to determine if the content is authentic (Col. 6, lines 39-67; Col. 9, lines 37-51). Brunk further teaches a watermark can be used to extract an encoded fingerprint so that it may be matched to a stored fingerprint to determine authenticity. Both the watermark and the fingerprint identify the content and as shown above these values can be matched to provide another form of identification. Therefore, the combination of Alattar and Brunk teaches the aforementioned limitation.

In response to applicant's arguments that the given references do not teach "cross-checking the derived…said stored watermark", Page 10, lines 14-15, the examiner respectfully disagrees. Brunk teaches matching a watermark value to a stored watermark value and then matching a fingerprint value to a stored fingerprint value (Col. 7, lines 4-30). Therefore, the combination of Alattar and Brunk teaches the aformentioned limitation.

In response to applicant's arguments that the given references do not teach "the watermark and…authority and verified", Page 10, lines 21-22, the examiner respectfully disagrees. Brunk teaches using a watermark and content signature to determine if a content item is authentic. Levy (US 6,505,160) teaches a sending identifying information back to a server and performing actions based on the identifying information (Col. 4, lines 1-19). Therefore, the combination of Alattar, Levy, and Brunk teaches the aformentioned limitation.

In response to applicant's arguments that the given references do not teach "a partially inclomplete registration", Page 10, lines 26-27, the examiner respectfully disagrees. Levy (US 6,505,160) teaches a registration process that comprises checking to see whether it has already assigned an identifier to the content object and returning the already-assigned identifier or assigning a new identifier (Col. 10, lines 29-35). Simply producing an identifier match does not complete the registration process. When the already-assigned identifier is returned, then the registration process is completed. Therefore, the combination of Alattar, Levy, and Brunk teaches the aforementioned limitation.

In response to applicant's arguments that the given references do not teach "in case of an inclomplete registration, the applicant or content owner is notified", Page, 11, lines 12-13 and Page 11, lines 19-20, the examiner respectfully disagrees. Levy (US 6,505,160) teaches a registration process that comprises checking to see whether it has already assigned an identifier to the content object and returning the already-assigned identifier or assigning a new identifier (Col. 10, lines 29-35). Simply producing an identifier match does not complete the registration process. When the already-assigned identifier is returned, then the registration process is completed. Brunk teaches sending the applicant a list of all possible content signatures from a database when there could be more than one match (Col. 12, lines 34-47). Therefore, the combination of Alattar, Levy, and Brunk teaches the aforementioned limitation.

In response to applicant's arguments that the given references do not teach "reception of unregistered content…of registered fingerprints", Page 12, lines 5-7, the examiner respectfully disagrees. Although Levy (US 6,505,160) teaches a registration process, the content is received at the client device and then put through the registration process (Col. 10, lines 19-35). Brunk teaches comparing a content signature with a stored content signature and not returning any possible matches, i.e. the content is not registered in the fingerprint database (Col. 12, lines 34-47). One of ordinary skill in the art at the time the invention was made would have known to modify Alattar and Levy to use the fingerprint comparison, taught by Brunk and Alattar, when no watermark is detected.